

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

**DEFENDANTS' MOTION TO DISMISS UNDER
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(2) AND 12(b)(6)**

Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6), Defendants hereby move the Court to dismiss Plaintiff's Complaint (D.I. 1) for lack of personal jurisdiction over Siemens AG and for failure to state a claim for extraterritorial enforcement of its U.S. copyright. The bases for this Motion are further set forth in the accompanying Opening Brief.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Karen Jacobs

OF COUNSEL:

Gregg F. LoCascio, P.C.
Michael A. Pearson, Jr.
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 389-5000

James John Lomeo
KIRKLAND & ELLIS LLP
401 Congress Avenue
Suite 2500
Austin, TX 78701
(512) 678-9050

Karen Jacobs (#2881)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
kjacobs@morrisnichols.com
cclark@morrisnichols.com

Attorneys for Defendants Siemens AG, Siemens Corporation, Siemens Industry Software Inc., Siemens Medical Solutions USA, Inc., Siemens Healthcare Diagnostics Inc., Siemens Mobility, Inc., and PETNET Solutions, Inc.

June 10, 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VMWARE LLC.,,)
Plaintiff,)
v.) C.A. No. 25-353 (RGA)
SIEMENS AG, SIEMENS CORPORATION,)
SIEMENS INDUSTRY SOFTWARE, INC.,)
SIEMENS MEDICAL SOLUTIONS USA,)
INC., SIEMENS HEALTHCARE)
DIAGNOSTICS, INC., SIEMENS)
MOBILITY, INC., and PETNET)
SOLUTIONS, INC.,,)
Defendants.)

[PROPOSED] ORDER

The Court, having considered Defendants Motion to Dismiss Pursuant Fed. R. Civ P. 12(b)(2) and 12(b)(6) and supporting brief, and Plaintiff VMWare LLC's response thereto,

IT IS HEREBY ORDERED, this ____ day of _____, 2025, that Plaintiff's Complaint (D.I. 1) against Siemens AG is DISMISSED for lack of personal jurisdiction and DISMISSED as to all claims of alleged copyright infringement outside of the United States for failure to state a claim upon which relief can be granted.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 10, 2025, upon the following in the manner indicated:

Paul J. Loughman, Esquire
Robert M. Vrana, Esquire
Colin A. Keith, Esquire
YOUNG CONAWAY STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
(302) 571-6600

VIA ELECTRONIC MAIL

David H. Herrington, Esquire
CLEARY GOTTLIEB STEEN & HAMILTON LLP
One Liberty Plaza
New York, NY 10006
(212) 225-2000

VIA ELECTRONIC MAIL

Angela L. Dunning, Esquire
Ye Eun Charlotte Chun, Esquire
CLEARY GOTTLIEB STEEN & HAMILTON LLP
1841 Page Mill Road, Suite 250
Palo Alto, California 94304
(650) 815-4100

VIA ELECTRONIC MAIL

/s/ Karen Jacobs

Karen Jacobs (#2881)